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## DOCUMENTS

*Accompanying a bill to amend the acts for the government and regulation of seamen in the merchant service, and for the relief of distressed and destitute American seamen in foreign ports.*

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January 25, 1817.

Read before the House by the Chairman of the committee on Foreign Relations, and ordered to be printed.

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*Hon. James Monroe,*

SIR,

A resolution has been referred to the committee of Foreign Relations, instructing them to inquire into the expediency of amending the existing laws for the relief of distressed American seamen in foreign ports. I have the honour to apply to you for such information as has been communicated to the Department of State, relative to existing abuses, which may lead to a knowledge and correction of the defects of the present system.

I have the honour to be, sir,

Your obedient servant,

JOHN FORSYTH.

*December 13, 1816.*

Department of State.  
December 20, 1816.

Sir,

I have the honour to acknowledge the receipt of your letter of the 13th instant, requesting such information as may be in the possession of this Department, and as may lead to a knowledge and correction of the abuses and defects, of the existing laws, in relation to distressed American seamen.

The great and increasing expenses to which the United States are subjected, for the relief of sick and indigent seamen abroad, are imputable chiefly to three causes :

1st. To the provisions of the act of the 20th July, 1790, entitled " an act for the government and regulation of seamen in the merchant service."

2nd. To the want of adequate penalties for the non-payment by masters of vessels, of the three months extra wages, on the discharge of seamen abroad, as required by the act of the 28th February, 1803; and,

3d. To the want of proper checks upon the consuls for the due accountability of such moneys as they may receive on account of discharged seamen.

1st. The fifth section of the law of 1790, first referred to, provides that if any seamen shall desert the vessel in which he is employed and not return within 48 hours, all the wages due him at the time, as well as the goods and effects he may have on board, shall be forfeited to the use and benefit of the owner of such vessel. This provision which was calculated to protect the owners of vessels, against the losses and inconveniences attending the desertion of their seamen, in foreign ports,

has been perverted greatly to the injury of the seamen, and is the principal source of the heavy expense to which the United States have been exposed, for the relief and support of this meritorious class of our fellow citizens.

The forfeiture of wages, &c. accruing to the owner, has been found on long voyages, particularly those to the north-west coast of America and to India, when considerable sums are due to the seamen, to be a sufficient inducement for the masters of vessels to abuse and ill treat their men, in such manner as to oblige them to desert and incur the forfeiture. They then wander in a destitute condition to some port where there is a consul, to be supported and sent home at the public expense. When they are not driven so to desert, they are often discharged on the shores of the Pacific, at ports where there are no consuls, and are either not paid their wages at all, or paid in peltries or portions of the cargo, at prices fixed by the arbitrary will of the captain himself, and which they can never realize. With the small pittance thus obtained, they wander from port to port, and island to island, and if not fortunate enough to obtain the protection of a consul, or to fall in with American vessels, they enter those of other nations, and their services are probably forever lost to the trade and navigation of their own country. For a fuller view of these abuses, I refer the committee to the copy and an extract of a letter, herewith enclosed, from the consul of the United States in Canton.

To remedy these evils, an alteration of the fifth section of the act of 1790, so that the forfeiture of the seamen's wages and effects for desertion should accrue to the United States, and not to the owner or master of the vessel, seems proper; the sums so obtained to constitute a part of the fund for the

relief and protection of disabled seamen. The forfeited wages may be accounted for, on oath, by the master of vessel to the collector of the customs, (to whom he is already bound by law to account for the absence of any of his crew) at the port at which he may return to the United States; or, on failure to do so, a power might be vested in the collector to recover the same by action of debt, in a court of competent jurisdiction.

2. There is no penalty provided for the refusal or neglect of a master of a vessel, on the discharge of his men abroad, to pay to the consul the three months' extra wages, required by the act of the 28th February, 1803. Hence the extra wages, one month of which was to be retained and accounted for by the consul, and which was relied upon as a principal source of relief for sick and disabled seamen, are seldom paid. An adequate penalty for such refusal or neglect, on the part of the master, would probably correct the evil.

3. The next thing to be considered is, the means by which the consuls can be held accountable for the extra wages they may receive on account of discharged seamen. The act of February, 1803, has prescribed no mode by which this can be done. It attaches no penalty to the consul for neglecting to pay over the money to the Treasury, nor does it require the master of the vessel, on paying the money to the consul, to exact and transmit his receipt to the Treasury Department, whereby he could be held accountable. This defect should now be supplied, and being so, seems to afford the only check of which the case is susceptible.

It is, however, respectfully submitted to the consideration of the committee, whether a better course would not be to make the collectors of the customs the medium through which the month's

wages. accruing on the discharge of seamen, should be accounted for with the Treasury; leaving the two months' wages, only, to be paid to the consul for the benefit of the particular seamen discharged.

I have the honour to be,

With great respect, sir,

Your most obedient servant,

JAS. MONROE.

The honourable John Forsyth,  
Chairman of the committee of Foreign Relations.

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The undersigned, consul for the United States of America, at the port of Canton, in China, &c. &c. &c., begs leave respectfully to submit to the consideration of the honourable James Monroe, Secretary of State for the United States of America, the propriety of the following amendments of the fifth section of the act of Congress, passed the 4th day of January, 1790, "For the government and regulation of seamen in the merchant service," and the third section of the "Act, supplementary to the act concerning consuls and vice-consuls, and for the further protection of American seamen," passed the 28th day of February, 1803.

It is provided by the 5th section of the act of the 4th of January, 1790, "If any seamen or mariner shall absent himself for more than forty-eight hours at one time, he shall forfeit all the wages due him, and all his goods and chattels which were on board of the said ship or vessel, or in any store where they may have been lodged, at the time of desertion, to the use of the owners of the said ship or vessel," &c. &c. &c.

It is proposed to forfeit the wages due to the seamen, at the time of desertion, to the United

States, or some fund established for the support of disabled seamen, and not to the owners of the vessel, for the following reason :

It has often occurred, that commanders of vessels, which have been on long, tedious, and laborious voyages, sometimes of two or three years, particularly on the north-west coast of America and the Pacific ocean; ill-treat, and unnecessarily punish their seamen for the sole purpose of driving them to desert from their vessels, that they may forfeit to the owners all claim to their wages; through which means they are driven to the necessity of entering into foreign service, and thus the United States are deprived of the use of many able and valuable seamen. This takes place more particularly about the time of the ship's arrival at this port, from which period, as many seamen are not wanted to navigate the vessel to the United States, or Europe, (their usual destination from hence,) as were necessarily employed on the previous and more lucrative part of the voyage.

It is respectfully submitted—if the forfeiture was made to the United States, and not to the owners of the vessel from which the seaman deserts, the motive for the abuse of the mariner will no longer exist; at the same time, his punishment will not be lessened in case he wantonly or wickedly deserts his vessel.

As a security to the owners of vessels against any expense which may arise from the increased wages they are obliged to pay to other seamen or mariners hired in the place of those who may desert, it may be provided, that the United States, or fund deriving benefit from the forfeiture, shall make good to the owners of the vessel that difference in wages.

It is provided, by the 3d section of the act of

the 28th day of February, 1803, "That whenever a ship or vessel, belonging to a citizen of the United States, shall be sold in a foreign country, and her company discharged, or where a seaman or mariner, a citizen of the United States, shall, with his own consent, be discharged in a foreign country, it shall be the duty of the master or commander to produce to the consul, vice-consul, commercial agent, or vice-commercial agent, the list of his ship's company, certified as aforesaid, and to pay to such consul, &c., for every seaman or mariner so discharged, being designated on such list as a citizen of the United States, three months' pay, over and above the wages which may be due to such mariner, seaman," &c. &c.

American vessels, which have been trading on the north-west coast of America and the Pacific ocean, have, of late, been sold at ports on the north-west coast, and islands in the Pacific ocean, where there are no consuls or vice-consuls of the United States residing, and their crews discharged. In some instances they have been paid to the time of discharge, by an order on the owners of the vessel in America; in other instances, they have been paid in articles composing the cargo of the vessel, such as seal skins, valued at two and a half, and often three dollars each. These they are under the necessity of disposing of on the spot, for one dollar, sometimes 75 cents each. The sacrifice the seamen make on their orders is not less than that on the skins; often one half, or three-fourths of the nominal amount. There are always persons ready to take advantage of their necessities.

Articles necessary to the comfort of seamen are often extravagantly high at the above-mentioned places.

In no instance, that has come to my knowledge,

has the amount of wages been paid in cash to the unfortunate seamen thus discharged, thrown out of employment, and left to suffer in a foreign country, without the opportunity of returning to the United States for more than twelve months, and frequently for a much longer period.

In no one instance has the three months' pay, provided for by the act of the 28th of February, 1803, been paid to the consul. On the arrival of the commanders of vessels at this port, after having sold their vessels and discharged their seamen, as above stated, they deliver in the ship's register at the consul's office, and take a receipt, to enable them to cancel the register bonds in the United States.

It is respectfully submitted, to alter and amend this section in such a way as to provide for the payment of wages to seamen, thus discharged, in cash. Also, to provide for the payment of the three months' wages, agreeably to the act of the 22d February, 1803, at the first foreign port where the commander may arrive, at which there is a consul, vice-consul, commercial agent, or vice-commercial agent of the United States residing.

All which is respectfully submitted to your consideration, by

Your obedient servant,

(Signed)

B. C. WILCOCKS,

*Consul for the United States, at Canton.*

Canton, in China,

3d February, 1815.

*Extract of a letter from C. J. Ingersoll, esq. to the Secretary of State, dated Philadelphia, Nov. 1, 1816.*

As you are good enough to promise, that the grievances I took the liberty to communicate from Mr. Wilcocks, the consul in China, shall be attended to, with a view to their redress, I beg leave to trouble you again on that subject, for the purpose of sending a copy of part of a letter I received from him yesterday, dated the 15th April, 1816, which seems to me to exhibit a scene, quite discreditable to American sea captains, and loudly calling for some more effectual assistance, than has yet been devised for the most meritorious class of our countrymen, the sailors. The extract is as follows: "I had proceeded thus far, when I was taken off to attend to some sailors in distress, and since that time, I have been constantly employed with them in some way or other. It is most lamentable, that some such change as I have ventured to recommend to government, has not been effected in our laws, touching these poor devils. They come to me quite naked, sick, and heartless, after having been turned on shore on the north west coast of America, or some islands in the Pacific Ocean, cheated of their wages, and ill treated to a degree scarcely to be credited. There are two or three hundred poor fellows on the Sandwich Islands, most of whom would be glad to get home; but the beasts of captains, will not take them off. Pray, my friend, exert yourself in their behalf."

The only exertion I can make in compliance with this appeal to charity, as well as patriotism, is to lay it before you. I am confident that it will not be overlooked. I am, &c. &c.

(Signed.)

C. J. INGERSOLL,

*James Monroe, esq. Secretary of State.*

[Copy.]

American Consulate, London,  
7th December, 1815.

SIR,

I have had the honour to receive the copy of a note addressed to you by the secretary of state for foreign affairs, which states that a number of American seamen have been found wandering about the streets, in a most wretched and distressed condition, and that several are now supported in the police establishments, and hospitals of the city of London, at a very considerable expense.

As the circumstance of there being any American seamen in the situation represented, would appear to implicate me, as the person authorized to afford them relief, it is necessary that I should state to you the manner in which I have felt it my duty to act.

I have received no instructions from our government since the peace; but I conceived myself authorized by the laws of the United States, and by previous instructions from the secretary of state to their consuls, to afford such relief to our destitute seamen as I had been accustomed to do before the war.

During this period the number of applications for relief has been unprecedented; and the duty I have had to perform, so as to avoid being imposed upon, has been most laborious. It has frequently occurred that I have spent from two to five hours a day in examinations, and notwithstanding this care, I have afterwards found that I have afforded relief to some who were not entitled to it. In the exercise of the discretionary power given to the consuls in the circular of the secretary of state above alluded to, I have in no instance withheld

relief where I conceived it was due. If I had been more strict, I should have been less imposed upon; but it might have been the means of depriving some deserving, unfortunate men of the bounty of their country. The experience I have had, however, has convinced me that this bounty is becoming daily more liable to abuse. There is scarcely a day that an attempt to impose is not made, under some shape or other, by worthless natives of America, or others assuming the character of Americans.

There is a considerable number of seamen born in America who have been so long on the British service, that they seem to have lost all feeling in favour of their native country, and who in this moment of embarrassment, are endeavouring to make a convenience of this office. Not long since I had daily at my door about two hundred, entreating to be sent home. To some, who were almost naked, I furnished clothing; and to all subsistence. But when I had hired a vessel for their conveyance, about forty of the number absented themselves, and, as soon as the vessel had sailed, some appeared again soliciting relief, which I thought proper to refuse.

It is no doubt to seamen of this description that the lord mayor alludes; and if so I persuade myself that you will think with me, that they are not such as were contemplated in the before-mentioned circular as entitled to the protection of the United States.

How far these persons may be entitled to the benefit of the laws and proclamations of this country, inviting foreign seamen into her service, does not belong to me to inquire; but it is not unfair to presume that some of them are entitled to it: whatever may have been the motive in withdraw-

ing themselves, none seem to have any inclination to return to their native country. It therefore does appear, that if any relief is due to them, it is from their adopted country, which they appear unwilling to leave, and in the service of which they have contracted these feelings. There is, however, a class of men whose claims are not at all equivocal; and which I am glad to have the opportunity of bringing into view. I mean those who have been in the service of Great Britain, who have been dismissed and left to shift for themselves the moment they were no longer wanted, and have become a charge on the United States to send them home.

It does appear to me, that, in justice to these unfortunate men, many of whom were forced into the service, and there held, against their own will and inclination, the British government was bound to restore them to their country.

There is still another class of men whose situation deserves consideration. Those who, for long service or wounds, have pensions from the government, and who, wishing to return to their country, can only obtain two, or, at least, three years' purchase for them; so that they are reduced to the alternative of renouncing all idea of seeing their friends, or, on their return to their country, of becoming a burden to them.

It is very desirable that some arrangement should be made to enable these persons to receive their pensions in the United States; or on forwarding to this country authenticated life certificates, to have them paid here, to some one authorized to receive them.

I have the honour to be, &c.

(Signed)

R. G. BEASLEY.

*His excellency John Q Adams.*

P. S. I have the honour to enclose an extract from the letters of the Secretary of State, which is alluded to in this letter.

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(Copy.)

The undersigned, his majesty's principal Secretary of State for Foreign Affairs, has the honour to inform Mr. Adams, that a representation has been made by the lord mayor of London, to his majesty's principal Secretary of State for the Home Department; stating that a number of American seamen have been found wandering about the streets of London, in a most wretched and distressed condition, and that several are now supported in the police establishments and hospitals of the city of London, at a very considerable expense.

The undersigned has therefore the honour to request Mr. Adams, will be pleased to take such measures as may appear to him expedient, in order that these seamen may be conveyed to their native country with the least possible delay.

The undersigned requests Mr. Adams, to accept the assurances of his high consideration.

(Signed.)

CASTLEREAGH.

Foreign Office,

November 29, 1815.

Distressed seamen reported from the Home Department, to be in the counter in the city of London, Richard Moore, aged 24, born in Virginia.

Washington, January 4, 1817.

SIR,

In compliance with your request, I shall give you a brief statement of the evasions, and other abuses of the present laws relative to seamen, so far as the same has come within my knowledge, as chancellor of the United States consulate at London, during a part of the years 1815 and 1816.

Not having the laws above alluded to at hand, I shall not attempt a systematic detail, but simply make a statement of facts.

The first subject to which I shall call your attention, is the conduct of captains in evading that section of the law which requires them to return the seamen to the United States, (in pursuance of a certain bond to be given to the collector for that purpose.) This is frequently done in foreign ports when it is for the interest of the master to get rid of any of his seamen. The most common mode of effecting this is to give such of the seamen as are liable to intoxication a verbal permit to go on shore and have what they call a *frolic*, furnishing them at the same time with some money, and they will be very apt to make a stay of two or three days. If they are absent 48 hours the captain orders them entered on the *log book* as *run*; and, afterwards, refuses to let them come on board the ship. They of course throw themselves on the consul as destitute seamen, as the captains generally refuse to pay them any arrearages of their pay, on the ground of its being forfeited by the provisions of the *act*, &c. The second mode is to drive the seaman from the ship by *hard words* and *harder blows*, the latter of which frequently endanger his life. He of course applies to the consul, who sends for the captain; the captain complains

that the sailor does not do his duty, and may return to the ship when he pleases: the consul orders the man to return to the ship; he does so—again is beat, and again returns to the consul; till, finally, the seaman becomes a charge on the consulate, and the ship sails without the consul's having the power to compel the master to a settlement of the arrearages due the seaman, or making any provision to defray the expense of his return to the United States. A third mode is, after a long series of abuse to the seaman, to instruct some of the under officers of the ship to hire him to run away, giving him, generally, about the amount of wages due him at the time.

This seaman soon becomes a charge on the consulate, and the consul has no power to enforce the payment of three months' advance, (as provided by the act in case of discharge in foreign ports,) as the man has not strictly been discharged by the master.

From these and other causes, for the last fifteen months, the United States consulate at London and Liverpool, have been thronged with destitute American seamen. The consuls, of course, have put on board of every American vessel bound to the United States, two seamen to every hundred tons burden of such vessel; for which, the captain receives \$10 per man. But as the amount of United States' shipping was not sufficient to take all of the seamen off of the hands of the consuls, it was found necessary either to take up transports for the purpose, or make contracts with the masters of American vessels to take an additional number to those put on board under the authority of the act. At London, both courses were necessarily adopted. Transports were procured at an average of £12 sterling per man; and American masters generally

took a surplusage of hands, at an average of £10 sterling per man.

You will at once perceive, sir, how much it was for the interest of the master of an American vessel to get rid of a crew engaged at from \$12 to \$20 per month, and get one equally good on the terms above mentioned.

I will now, sir, call your attention to two cases much complained of by American captains in foreign ports. The first is, that in which the captain arrives, (say at London,) with a full crew, all of whom remain with him. On his departure, he is compelled by the consul to "take on board two men to every hundred tons burden of his vessel, and transport them to the United States at a sum not exceeding \$10 per man." These men are, in fact, supernumeraries—they are of no use to the ship, but, in fact, an injury, as they generally produce some difficulty on the passage among the original crew. And the compensation allowed will not defray the extra expense of laying in water for them on the passage; to say nothing of their provisions, &c. Whereas, if a seaman is brought home from a port where there is no consul or agent, the master is "entitled to such sum as the comptroller of the Treasury shall deem equitable."

Why, they ask, are they not entitled to the same from a port where there is a consul or agent? This is considered by the consuls as a hard case, and one which requires the attention of Congress. The second case, is that of a seaman becoming sick and unable to perform his duty. The captain is ready to sail, the man is unable to go, and the consul requires the three months advance pay, to meet the expenses of sending the man to America, as in case of a discharged seaman.

The masters contend that if they pay to the consuls the arrearages of pay due the seamen,

that should be sufficient to cancel the bond given to the collector, to return the man to the United States. But, sir, the most important subject remains yet to be considered; and that is, what description of persons ought to be considered as *destitute* seamen, and as such entitled to the protection and liberality of the American government? at present, those who come within that denomination are, first a class of seamen who make it a practice to engage on board of foreign vessels in American ports, to go to Europe by the *run*, as it is called, for which they generally receive more wages in proportion, than those who go for a voyage out and back. One half the sum agreed upon is generally paid down, the remainder on the arrival of the vessel at the port of destination. The seamen spends his money, and not finding a ship that will give him wages home, he goes to the nearest consul, and demands subsistence and a passage. I have thus known some seamen sent to the United States, from London, three times within the last year. The next class are those who, without any just cause, leave their ships in foreign ports, and those are of two descriptions, first negroes, who from the particular notice taken of them by the lower classes of whites (and particularly white women,) in England, very frequently leave their ships, and almost as frequently marry a white woman, and after two or three weeks' dissipation, demand of the consul subsistence and a passage home.

The last class are those seamen who go where they can get the most wages. Many of our seamen have from this cause engaged from time to time in the East India Company's employ; and when from a reduction of wages in those ships, higher wages being given in America, or any other causes which

induces them to wish to return to their country, they will nine times out of ten put the United States to the expense of their passage. Seamen from the foregoing causes are now thronging the offices of the United States consuls in Europe.

You will, sir, be convinced of this when I inform you that at the usual allowance of twenty-two cents for each man per day, while in port, necessary clothing, medical aid, and passage home, the expenditure of the consulate at London alone, will be, for the year 1816, about forty thousand dollars! The facility with which foreigners procure protection in this country as American citizens, tends, in a great measure, to render useless that part of the law relative to protections. I can affirm, with confidence, that scarcely a day passed, when I was in the office at London, but I *destroyed* protections granted by our collectors to seamen who, on a close examination, acknowledged themselves to be foreigners. It would, in my opinion, be much better to repeal the law on that subject in preference to its remaining on the present footing. Permit me, sir, at the close of this long letter, to call your attention to the *beggarly condition* of our consuls under the present regulations.

Liverpool and Bordeaux are the only consulates in Europe worth holding. The whole amount of receipts in the consulate at London, from June 1st, 1815, to June 1st, 1816, (a period of uncommon activity in commerce) was only £183 sterling. As I have no idea that salaries could be procured for the consuls, I would beg leave to suggest, whether the objects of fees might not be multiplied, and those already established increased?

With great consideration,

J. B. STUART.

Hon. John Forsyth,

Chairman committee Foreign Relations.







